

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

MAY 31, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, May 31, 2011 at 3:15 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable C. T. Martin
The Honorable Keisha Lance Bottoms
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Michael J. Bond, Vice-Chair
The Honorable Alex Wan**

Others present at the meeting were: Councilmembers Cleta Winslow, Felicia A. Moore and Natalyn Archibong; Deputy City Attorney Eric Richardson, Gwen Burns and Amber Robinson, Law Department; Deputy Chiefs Shawn Jones and Calvin Moss, Sergeant Lamar Hester, Police Department; Toriarn Weldon, Georgia Department of Corrections, Christopher Patterson, Court Administrator; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:15 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA - ADOPTED

B. APPROVAL OF MINUTES - APPROVED

C. PRESENTATIONS

- 1. YOUTH GANG PREVENTION PROGRAM -
Councilmember Cleta Winslow**
- 2. COMMUNITY IMPACT PROGRAM -
Councilmember Joyce Sheperd**

CONSENT

D. RESOLUTIONS

Claims with favorable recommendations:

- 11-R-0797 (1) Claim of **William C. Porter (DWM/07)**, for damages alleged to have been sustained as a result of a water main leak on November 12, 2009 at 136 Terrace Drive, NE. **\$8,000.00**
- 11-R-0798 (2) Claim of **Travelers Insurance Company, as subrogee of Ruth Green (DWM/10)**, for damages alleged to have been sustained as a result of a sewer backup on May 3, 2010 at 318 Kelso Drive. **\$5,000.00**
- 11-R-0799 (3) Claim of **USAA, as subrogee of Tracy Spencer (DWM/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on September 29, 2010 at 3628 Market Place Boulevard, East Point. **\$4,016.09**
- 11-R-0800 (4) Claim of **Allstate Insurance Company, as subrogee of Sammy Stembridge (APD/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on September 7, 2008 at Cascade Road at Wilson Mill Road. **\$3,703.80**
- 11-R-0801 (5) Claim of **Alan M. Bolden (DWM/02)**, for damages alleged to have been sustained as a result of a trip and fall in an uncovered water meter on September 22, 2010 at 343 Peters Street. **\$2,767.88**
- 11-R-0802 (6) Claim of **Carol Silva (DPW/08)**, for vehicle damages alleged to have been sustained as a result of driving over a pothole on May 25, 2010 at 3920 Parian Ridge Road. **\$2,698.90**
- 11-R-0803 (7) Claim of **Afni Insurance Services, as subrogee of Neal Williams (AFR/08)**, for damages alleged to have been sustained as a result of a vehicular accident on August 10, 2010 at 3815 Pace Ferry Road. **\$2,622.38**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0804 (8) Claim of **Progressive, as subrogee of Kenneth Davis (DPW/05)**, for damages alleged to have been sustained as a result of an automobile accident on February 11, 2011 at 745 Memorial Drive. **\$2,111.66**
- 11-R-0805 (9) Claim of **Mary Janine Romero Wells (DWM/08)**, for damages alleged to have been sustained as a result of a vehicular accident on February 23, 2011 at I-75 south bound exit ramp at Howell Mill Road, NW. **\$1,821.13**
- 11-R-0806 (10) Claim of **Carmelita Guerra (DPW/02)**, for damages alleged to have been sustained as a result of walking into a pothole on October 15, 2010 at Capital Avenue and Pollard Street. **\$700.00**

Claims with unfavorable recommendations:

- 11-R-0807 (11) Claim of **Debra T. Keller (NA/11)**, for damages alleged to have been sustained as a result of striking a pothole on February 8, 2011 at Campbellton Road and Fairburn Road.
- 11-R-0808 (12) Claim of **Patricia Rumsey, as surviving spouse of David Lake Rumsey, and as administratrix of the estate of David Lake Rumsey, through her attorneys, Henry Spiegel Milling, LLP (AFR/08)**, for damages alleged to have been sustained from an emergency response incident on May 10, 2010 at 379 Collier Road, NW.
- 11-R-0809 (13) Claim of **Debra Burden (DPRCA/11)**, for damages alleged to have been sustained when a parked vehicle was struck by a baseball from Adams Park on April 14, 2011 at 1620 Delowe Drive, SW.
- 11-R-0810 (14) Claim of **Wayne Dula (DPW/01)**, for property damages alleged to have been sustained from a vandalism incident on March 16, 2011 at 128 Claire Drive, SE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0811 (15) Claim of **Midtown Park Condo Association, c/o Claire Crawford (DPW/02)**, for damages alleged to have been sustained when a gate was struck by a vehicle after a garbage pickup on June 30, 2010 at 706 Charles Allen Drive, NE.
- 11-R-0812 (16) Claim of **Reni Mosley, through his attorney, Phillip R. Peacock, Attorney at Law (DWM/02)**, for damages alleged to have been sustained from a wrongful termination on April 9, 2010 at 55 Trinity Avenue, SW.
(Councilmember Sheperd made a motion to approve Items D1-D16)

FAVORABLE

E. ORDINANCE FOR FIRST READING

- 11-O-0827 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Fund) Budget by adding to anticipations and appropriations in the amount of \$93,000.00 from the Office of National Drug Control Policy ("ONDCP"), for the purpose of establishing an administration project to cover partial cost for the Department of Finance in the Administration of the High Intensity Drug Trafficking Area Program (HIDTA) and to transfer the contract coordinator position from the PATEO Project Number listed; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCES FOR SECOND READING

- 11-O-0739 (1) An Ordinance by Public Safety and Legal Administration Committee authorizing the Mayor or his designee to accept a sub-grant from the Department of Homeland Security (DHS) for the purpose of providing maintenance of specialized technical rescue equipment on behalf of the Department of Fire Rescue, and to amend the 2011 (Intergovernmental Grant Fund) Department of Fire Budget, by adding to anticipations and appropriations in the amount of \$20,000.00; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 11-O-0788 (2) An Ordinance by Councilmembers Felicia A. Moore, H. Lamar Willis, Joyce Sheperd, Cleta Winslow and Natalyn Archibong **as substituted by Public Safety and Legal Administration Committee** to amend Section 62-27.1 of the Code of Ordinances of the City of Atlanta, Georgia, so that effective June 13, 2011 the number of Municipal Court Judges shall decrease from ten (10) to eight (8); to waive conflicting ordinances and code sections; and for other purposes.
(Councilmember Sheperd made a motion to approve. The motion failed 2-3. Councilmember Sheperd made a second motion to forward with no recommendation. The motion failed 2-3. Councilmember Martin then made a motion to file.)

FILE ON SUBSTITUTE (3 YEAS) YOUNG, MARTIN, LANCE
BOTTOMS (2 NAYS) SHEPERD, ADREAN

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ORDINANCES FOR SECOND READING (CONT'D)

- 11-O-0795 (3) An Ordinance by Councilmember Howard Shook to amend Code of Ordinances Section 10-93.1 adopted 21 February 2011 and approved on 2 March 2011, which ordinance authorized certain retail establishments within the C-3 Zoning District to sell alcoholic beverages by the package when located in commercial shopping centers on Peachtree Road in excess of 80,000 square feet, so as to correct the exemption references in said ordinance; and for other purposes.
(Councilmember Lance Bottoms made a motion to approve.)

FAVORABLE (1 ABSTENTION) MARTIN

G. RESOLUTION

- 11-R-0854 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to enter into a settlement with a condemnee in the matter of the City of Atlanta v. Alfred L. Rothstein, Civil Action File No. 2009CV177469 pending in the Superior Court of Fulton County; to authorize the payment in an amount not to exceed \$4,500.00 to be paid from PATEO listed; and for other purposes.
(Councilmember Adrean made a motion to approve.)

FAVORABLE

H. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis **as substituted by Public Safety and Legal Administration Committee** amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review)**
- 10-R-0855 (5) Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review)**
- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis **as amended by Public Safety and Legal Administration Committee** amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**

PAPERS HELD IN COMMITTEE (CONT'D)

- 11-R-0535 (13) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Held 3/29/11 for further discussions)
- 11-R-0772 (14) A Resolution by Councilmembers Michael J. Bond and Ivory Lee Young, Jr. to amend the Contract with U. K. - LaSalle LLC, (an entity affiliated with General Growth Properties, Inc.) for the Administration and Management of the Public Vending Program, so as to grant a first right of refusal to vendors who currently hold vending permits or who formerly held vending permits as of November 21, 2001, for vending locations around Turner Field; and for other purposes.
(Held 5/10/11 for further discussions)

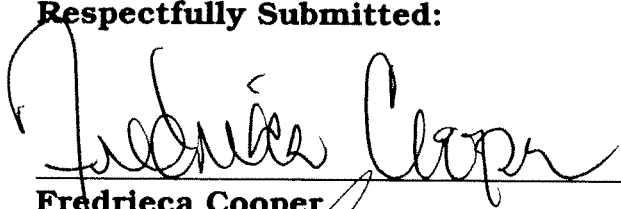
I. FOLLOW-UP ITEM

1. Councilmember Young requested that David Bennett make a report to the committee related to the Vending contract at each committee meeting.
2. Councilmember Sheperd requested that David Bennett provide a report on General Growth Properties current Kiosks at the June 14, 2011 meeting.
3. Councilmember Sheperd requested that the City Attorney present a report on General Growth Properties' contract at the June 14, 2011 meeting.


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There being no further business to come before the Committee, the meeting was adjourned at 5:45 p.m.

Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee